IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 60 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT
==
1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

LAJJARAM RAMSWAROOP
Versus
STATE OF GUJARAT

Appearance:
     MRS MADHUBEN SHARMA for Petitioner
     MR SR DIVETIYA ADDL.PUBLIC PROSECUTOR
     for Respondents.

CORAM : MR.JUSTICE H.R.SHELAT
Date of decision: 18/02/98

ORAL JUDGEMENT
   The petitioner who is convicted of the offence
under Narcotic Drugs & Psychotropic Substances Act, is
undergoing the sentence. He prays for 20 days Parole as
his brother's adopted daughter is going to marry.

2. Ordinarily, the prisoner undergoing the sentence
for the offence under Narcotic Drugs & Psychotropic

Substances Act, is not entitled to Parole, but as held by this court in the case of JYOTIBEN RAMLAL PUROHIT W/o PRISONER RAMLAL GALLAJI PUROHIT vs. STATE OF GUJARAT & ANR, 37 (1) G.L.R. 395, the powers of this court under Art. 226 of the Constitution are unfettered and in deserving case, it is open to this court to exercise the powers and pass appropriate order, but that will be in the rarest of rate cases and/or where there is strong pressing reason to pass the order in favour of the prisoner and not as a matter of course.

3. In this case, for attending the marriage of adopted daughter of his brother, the petitioner wants Parole. The marriage as per the Invitation Card produced, was to be solemnized on 6th February, 1998. That date has already rolled by and by the time, the marriage must have been over. The cause, therefore, does not survive, and therefore, this application has become infructuous. On that ground, the application is required to be rejected, and the same is hereby rejected. Rule discharged.

(ccs)